



General Assembly

January Session, 2001

Amendment

LCO No. 5528

Offered by:

SEN. CRISCO, 17th Dist.

SEN. DAILY, 33rd Dist.

To: Subst. House Bill No. 6609

File No. 53

Cal. No. 241

***"AN ACT CONCERNING THE TIME FOR THE FILING OF
SUBDIVISION PLANS."***

1 Strike out lines 1 to 121, inclusive, and insert the following in lieu
2 thereof:

3 "Section 8-25 of the general statutes is repealed and the following is
4 substituted in lieu thereof:

5 (a) No subdivision of land shall be made until a plan for such
6 subdivision has been approved by the commission. Any person, firm
7 or corporation making any subdivision of land without the approval of
8 the commission shall be fined not more than five hundred dollars for
9 each lot sold or offered for sale or so subdivided. Any plan for
10 subdivision shall, upon approval, or when taken as approved by
11 reason of the failure of the commission to act, be filed or recorded by
12 the applicant in the office of the town clerk within ninety days of the
13 expiration of the appeal period under section 8-8, or in the case of an
14 appeal, within ninety days of the termination of such appeal by

15 dismissal, withdrawal or judgment in favor of the applicant but, if it is
16 a plan for subdivision wholly or partially within a district, it shall be
17 filed in the offices of both the district clerk and the town clerk, and any
18 plan not so filed or recorded within the prescribed time shall become
19 null and void, except that the commission may extend the time for
20 such filing for two additional periods of ninety days and the plan shall
21 remain valid until the expiration of such extended time. All such plans
22 shall be delivered to the applicant for filing or recording not [less]
23 more than thirty days after the time for taking an appeal from the
24 action of the commission has elapsed or not more than thirty days after
25 the date that plans modified in accordance with the commission's
26 approval and that comply with section 7-31 are delivered to the
27 commission, whichever is earlier, and in the event of an appeal, not
28 [less] more than thirty days after the termination of such appeal by
29 dismissal, withdrawal or judgment in favor of the applicant or not
30 more than thirty days after the date that plans modified in accordance
31 with the commission's approval and that comply with section 7-31 are
32 delivered to the commission, whichever is earlier. No such plan shall
33 be recorded or filed by the town clerk or district clerk or other officer
34 authorized to record or file plans until its approval has been endorsed
35 thereon by the chairman or secretary of the commission, and the filing
36 or recording of a subdivision plan without such approval shall be void.
37 Before exercising the powers granted in this section, the commission
38 shall adopt regulations covering the subdivision of land. No such
39 regulations shall become effective until after a public hearing, notice of
40 the time, place and purpose of which shall be given by publication in a
41 newspaper of general circulation in the municipality at least twice, at
42 intervals of not less than two days, the first not more than fifteen days
43 nor less than ten days, and the last not less than two days prior to the
44 date of such hearing. Such regulations shall provide that the land to be
45 subdivided shall be of such character that it can be used for building
46 purposes without danger to health or the public safety, that proper
47 provision shall be made for water, sewerage and drainage, including
48 the upgrading of any downstream ditch, culvert or other drainage
49 structure which, through the introduction of additional drainage due

50 to such subdivision, becomes undersized and creates the potential for
51 flooding on a state highway, and, in areas contiguous to brooks, rivers
52 or other bodies of water subject to flooding, including tidal flooding,
53 that proper provision shall be made for protective flood control
54 measures and that the proposed streets are in harmony with existing
55 or proposed principal thoroughfares shown in the plan of conservation
56 and development as described in section 8-23, especially in regard to
57 safe intersections with such thoroughfares, and so arranged and of
58 such width, as to provide an adequate and convenient system for
59 present and prospective traffic needs. Such regulations shall also
60 provide that the commission may require the provision of open spaces,
61 parks and playgrounds when, and in places, deemed proper by the
62 planning commission, which open spaces, parks and playgrounds
63 shall be shown on the subdivision plan. Such regulations may, with
64 the approval of the commission, authorize the applicant to pay a fee to
65 the municipality or pay a fee to the municipality and transfer land to
66 the municipality in lieu of any requirement to provide open spaces.
67 Such payment or combination of payment and the fair market value of
68 land transferred shall be equal to not more than ten per cent of the fair
69 market value of the land to be subdivided prior to the approval of the
70 subdivision. The fair market value shall be determined by an appraiser
71 jointly selected by the commission and the applicant. A fraction of
72 such payment the numerator of which is one and the denominator of
73 which is the number of approved parcels in the subdivision shall be
74 made at the time of the sale of each approved parcel of land in the
75 subdivision and placed in a fund in accordance with the provisions of
76 section 8-25b. The open space requirements of this section shall not
77 apply if the transfer of all land in a subdivision of less than five parcels
78 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
79 uncle or first cousin for no consideration, or if the subdivision is to
80 contain affordable housing, as defined in section 8-39a, equal to twenty
81 per cent or more of the total housing to be constructed in such
82 subdivision. Such regulations, on and after July 1, 1985, shall provide
83 that proper provision be made for soil erosion and sediment control
84 pursuant to section 22a-329. Such regulations shall not impose

85 conditions and requirements on manufactured homes having as their
86 narrowest dimension twenty-two feet or more and built in accordance
87 with federal manufactured home construction and safety standards or
88 on lots containing such manufactured homes which are substantially
89 different from conditions and requirements imposed on single-family
90 dwellings and lots containing single-family dwellings. Such
91 regulations shall not impose conditions and requirements on
92 developments to be occupied by manufactured homes having as their
93 narrowest dimension twenty-two feet or more and built in accordance
94 with federal manufactured home construction and safety standards
95 which are substantially different from conditions and requirements
96 imposed on multifamily dwellings, lots containing multifamily
97 dwellings, cluster developments or planned unit developments. The
98 commission may also prescribe the extent to which and the manner in
99 which streets shall be graded and improved and public utilities and
100 services provided and, in lieu of the completion of such work and
101 installations previous to the final approval of a plan, the commission
102 may accept a bond in an amount and with surety and conditions
103 satisfactory to it securing to the municipality the actual construction,
104 maintenance and installation of such improvements and utilities
105 within a period specified in the bond. Such regulations may provide,
106 in lieu of the completion of the work and installations above referred
107 to, previous to the final approval of a plan, for an assessment or other
108 method whereby the municipality is put in an assured position to do
109 such work and make such installations at the expense of the owners of
110 the property within the subdivision. Such regulations may provide
111 that in lieu of either the completion of the work or the furnishing of a
112 bond as provided in this section, the commission may authorize the
113 filing of a plan with a conditional approval endorsed thereon. Such
114 approval shall be conditioned on (1) the actual construction,
115 maintenance and installation of any improvements or utilities
116 prescribed by the commission, or (2) the provision of a bond as
117 provided in this section. Upon the occurrence of either of such events,
118 the commission shall cause a final approval to be endorsed thereon in
119 the manner provided by this section. Any such conditional approval

120 shall lapse five years from the date it is granted, provided the
121 applicant may apply for and the commission may, in its discretion,
122 grant a renewal of such conditional approval for an additional period
123 of five years at the end of any five-year period, except that the
124 commission may, by regulation, provide for a shorter period of
125 conditional approval or renewal of such approval. Any person, firm or
126 corporation who, prior to such final approval, sells or offers for sale
127 any lot subdivided pursuant to a conditional approval shall be fined
128 not more than five hundred dollars for each lot sold or offered for
129 sale."